

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

v.

RAMAS CAPITAL MANAGEMENT, LLC,
GANESH H. BETANABHATLA,

Defendants.

C.A. No.: 4:22-cv-2979

Jury Trial Demanded

JOINT MOTION TO STAY LITIGATION

Plaintiff Securities and Exchange Commission (the “Commission”) and Defendants Ramas Capital Management, LLC (“Ramas”) and Ganesh H. Betanabhatla (“Betanabhatla”) (collectively, “Defendants”) file this Joint Motion to Stay Litigation, and respectfully show the Court as follows:

1. Defendant Betanabhatla recently submitted a written settlement offer that would resolve the Commission’s claims against the Defendants and conclude this litigation. Only the Commission¹—not its staff—has authority to settle an

¹ The Commission consists of five Commissioners, appointed by the President, with the advice and consent of the Senate. *See* Section 4(a) of the Securities Exchange Act of 1934 (“Exchange Act”) [15 U.S.C. § 78d(a)]. A securities law

enforcement action.² Thus, after the staff negotiates a prospective settlement, the staff must present the proposed settlement to the Commission for its review and approval. The undersigned counsel for the Commission intends to present Betanabhatla's settlement offer to the Commission.

2. In an effort to avoid the unnecessary expenditure of time and resources by the Court and the parties while counsel for the Commission undertakes the process of submitting and recommending the settlement – and to maintain the status quo in this litigation – the Commission requests that the Court temporarily stay this case and suspend the deadlines set forth in the Court's Rule 16 Scheduling Order [Dkt. No. 15]. If the Commission approves the settlement, the Commission will move the Court to enter the appropriate order and final judgment. Alternatively, if the Commission does not accept the settlement offer, the Commission will promptly notify the Court and seek to have the stay lifted and a new scheduling order entered.

3. This relief is not sought for the purpose of delay but in the interest of judicial economy so that justice may be done.

enforcement action may only be commenced by the Commission itself (see Exchange Act § 21(d)(1) [15 U.S.C. § 78u(d)(1)]), as distinct from the Commission's staff, who are appointed under Section 4(b) of the Exchange Act [15 U.S.C. § 78d(b)].

² *Cf.*, 17 C.F.R. § 202.5(f) (“In the course of the Commission's investigations, civil lawsuits, and administrative proceedings, the staff, with appropriate authorization, may discuss with persons involved in the disposition of such matters by consent, by settlement, or in some other manner”).

CONCLUSION

For the foregoing reasons, the parties respectfully move this Court to stay this litigation pending further motion from the parties and to suspend the deadlines as set forth in the Rule 16 Scheduling Order [Dkt. No. 15].

Dated: May 18, 2023

Respectfully submitted,

/s/ Keefe M. Bernstein

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/s/ Alex Lipman (by permission)

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CERTIFICATE OF CONFERENCE

Counsel for the parties conferred and have agreed to the relief sought by this motion.

/s/ Keefe M. Bernstein
Keefe M. Bernstein

CERTIFICATE OF SERVICE

I affirm that on May 18, 2023, I caused the foregoing to be electronically filed with the Clerk of the Court for the Southern District of Texas, Houston Division, by using the CM/ECF system which will send a notice of electronic filing to all CM/ECF participants.

/s/ Keefe M. Bernstein
Keefe M. Bernstein